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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00665 VRW
)	
Plaintiff,)	<u>[PROPOSED]</u> ORDER AND
)	STIPULATION EXCLUDING TIME
v.)	FROM NOVEMBER 1, 2005 TO
)	NOVEMBER 15, 2005 FROM THE
LUIS PEREZ-GONZALEZ,)	SPEEDY TRIAL ACT CALCULATION
(aka Luis Perez Gonzalez),)	(18 U.S.C. § 3161 (h)(8)(A))
)	
Defendant.)	
)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties initially appeared on the instant matter October 14, 2005 for defendant's initial appearance on the complaint, and appeared on October 28, 2005 for defendant's arraignment on the indictment.

2. On October 28, 2005, the matter was continued until November 1, 2005 for initial appearance before the Honorable Vaughn R. Walker. On that date, the matter was continued until November 15, 2005.

3. The parties appeared before the Honorable Vaughn R. Walker on November 1, 2005 for a status conference. Assistant Public Defender Josh Cohen, who represents the defendant,

requested an exclusion of time from November 1, 2005 to November 15, 2005, based on effective preparation of counsel. The parties moved that this same time period be excluded from the calculation of time under the Speedy Trial Act.

4. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

2. For the reasons stated, the time period from November 1, 2005 through November 15, 2005 shall be excluded from the calculation of time under the Speedy Trial Act.

IT IS SO STIPULATED.

DATED: November 2, 2005

Respectfully Submitted,

/S/
NAHLA RAJAN
Special Assistant United States Attorney


DATED: November 2, 2005

/S/
JOSH COHEN
Counsel for Luis Perez-Gonzalez

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 9, 2005

HONORABLE Judge Vaughn R Walker
United States District Judge



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

[PROPOSED] ORDER AND STIPULATION EXCLUDING TIME FROM NOVEMBER 1, 2005 TO NOVEMBER 15, 2005 FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161 (h)(8)(A))

to be served this date on the party(ies) in this action,

Via Hand Delivery

JOSH COHEN
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 4, 2005

_____/S/
Ponly J. Tu
Legal Assistant (Immigration)
U.S. Attorney's Office